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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 09/453739
Filing Date: 05/17/00
Appellant(s): Motoyama, Tetsuro.

MAILED
APR 21 2004
Technology Center 2100

Gregory J. Maier
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 2/17/00.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

Claims 1-9,11-20 are rejected.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

Claims 1-9, 11-20 are rejected.

(7) Grouping of Claims

The appellant's brief includes a statement that claims 1-9, 11-20 stand or fall together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,818,603	Motoyama et al.	10-06-98
5,842,039	Hanaway	11-24-98
5,911,776	Guck	6-16-99

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 11-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable Motoyama [US. Pat. 5,818,603] in view of over Hanaway [U.S. Pat. No. 5,842,039].

As to claim 1, Motoyama discloses a method a computer program product, comprising: a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to control a format used for data communication between a remote receiver and at least one of a device, an appliance, an application and an application unit, the computer program codes mechanism [software program (col. 14, lines 42-53) for controlling a format used for data communication between a control system 26 (remote receiver) and least one of a digital camera 2, fax machine 4, copier 6 (devices, an appliance, etc) (Fig. 1, col. 3, line 37-col. 4, line 45)] comprising:

a first computer code device configured to provide plural communications formats capable of providing data transfer (col. 6, line 59- col. 7, line 22); a second computer code device configured to select a first format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit [after the protocol identifier and identifier and identifier version of the transmission are analyzed in order to determine the format and a format type is detected such as binary (first format) (col. 8, lines 15-45)]; a third computer code device configured to select a second format of the plural communications formats to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit [the detected format could be ASCII format (second format) (col. 8, line 46-66)]; a fourth computer

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code device configured to collect events at the at least one of a device, an appliance, an application and an application unit [incoming communications to the controller system 26 is checked to determine it's protocol and format and is parsed to determine commands, parameters or other information contained in the communication and if any other communication or function is to be formed (event) (col. 12, lines 37-53)]; a fifth computer code device configured to dynamically generate first and second format processors for implementing the first and second formats [if there is a need to communicate a message from the controller to the device, the message is encoded using the previously determined protocol and format (col. 13, lines 19-21) the devices are using different formats (Fig. 1)]. Motoyama does not disclose a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor; a seventh computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second format processor after attempting to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first format processor, wherein the seventh computer code device is configured to check for a transmission failure before transferring the collected events using the second format.

Hanaway discloses a method to be used with a programmable controller that can communicate with peripheral devices in two protocols. When a message is received, the controller determines if the message is in the controller's currently configured protocol (col. 3, lines 24-26). When the controller tries first protocol then tries the second protocol after the first protocol is finished (col. 6, lines 50-65, Fig. 3). Hanaway further discloses (in col. 3 lines 11-20 and 41-65) in that there is a "determination" or check (as claimed) (eg., see col. 3 (line 54)) to see if the first format failed and thus the message is communicate in the second format after

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conducting the check. In other words, Hanaway sends the message using the first format, if that fails a determination or check procedure, then the message is communicate again using the second format. Thus the sequence would be (a) communicate the message using the first format, (b) check for failure, c) communicate the message using the second format. As can be seen, step b) is performed prior to step c).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hanaway's teachings to modify the computer of Motoyama by attempting to communicate (transfer) a first message in a first protocol and format check for failure before communicating another message in a second protocol and format in order to be able to communicate with devices which use varying communication protocols and formats and enable rapid detection of communication protocols used by the devices.

As to claim 2, Motoyama further discloses wherein the first computer code device comprises a library of code shared between first and second applications (fig. 1, database 28).

As to claim 3, Motoyama further discloses wherein the first computer code device comprises a dynamically linked library of code shared between first and second applications (fig. 1, database 28).

As to claim 4, Motoyama further discloses wherein the fifth computer code device comprises an eighth computer code device configured to implement a container class including an entry for each of the plural formats, wherein each entry includes a key and a value code device comprises a map [Fig. 10 shows a table for data formats stored in database that identifies the format type (class) and includes entries for plurality of format types, each entry includes a format type (key) and data format value (INT16, BYTES 1, etc)].

As to claim 5, Motoyama further discloses wherein the eighth computer code device comprises a map [the table of fig. 10 is a map that maps the format type to format data].

As to claim 6, Motoyama further discloses wherein the value of the eighth

computer code device comprises a pointer to a function configured to dynamically generate a corresponding format processor of the first and second format processors as specified by the corresponding key [Fig. 10, shows a format ID (pointer to a function) that corresponds to the format process of different format processes as defined by format type (key)].

As to claim 9, Motoyama further discloses wherein the function configured to dynamically generate the corresponding format processor returns a format processing abstract class [Fig. 10, format type is a format processing abstract class].

As to claim 11, Motoyama further wherein the seventh computer device comprises an eighth computer code device configured to transfer the collected events using the second format in order to increase redundancy [the data is transferred in formats suitable for digital camera, printer, fax (Fig. 1)].

As to claim 12, Motoyama further discloses wherein one of the plural communications formats includes binary (col. 8, lines 40-41).

As to claim 13, Motoyama further discloses wherein one of the plural communications formats includes text (col. 8, line 66-col. 9, line 2).

Claim 18 is a method analogous to the computer program product of claim 1, arguments analogous to those applied to claim 1 are applied to claim 18.

As to claims 19, refer to claim 2 rejection.

As to claims 20, refer to claim 3 rejection.

3. Claims 7-8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama [US. Pat. 5,818,603] in view of over Hanaway [U.S. Pat. No. 5,842,039] as applied to claims 1& 6 above, and further in view of Guck [U.S. Pat. No. 5,911,776] .

As to claim 7, neither Motoyama nor Hanaway discloses wherein the value further comprises an attribute for identifying whether the fifth computer code device previously dynamically generated the corresponding format processor.

Guck discloses a server using an object database to transmit any type of format by use of any protocol, the server serves various protocols received by or transmitted from the server (col. 6, lines 43-54). Once a format is converted, the converted content can be saved as a property (attribute) of the file, so it does not have to be repeated (col. 9, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Guck's teachings to modify the combined computer program product of Motoyama and Hanaway by using an attribute to identify whether a type of format have been generated before in order to prevent repeating the process of generating the format if the format have been generated before and speed the processing.

As to claim 8, Hanaway further discloses wherein the attribute store (1) a zero value if the fifth computer code device has not previously dynamically generated the corresponding format processor and (2) stores a pointer to the corresponding format processor if the fifth computer code device previously dynamically generated the corresponding format processor [in col. 3 (lines 10-20) and col. 6 (line 50-et seq.), suggested that once the communication format was determined by the system, the system stored an indication of the format type such that format discovery need not be repeated for each future communications but rather is directly implemented by the system as further suggested in col. 3 (lines 31-39 "if the message are in the controller's currently configured protocol")].

As to claims 14& 16, neither Motoyama nor Hanaway wherein one of the plural communications formats includes hypertext markup language (HTML) and wherein one of the plural communications formats includes SGML.

Guck discloses a server using an object database to transmit any type of format by use of any protocol, the server serves various protocols received by or transmitted from the server (col. 6, lines 43-54). The formats used may be Microsoft Word Format or SGML or HTML (col. 6, lines 16-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Guck's teachings to modify the combined computer program product of Motoyama and Hanaway by using an well known and conventional formats such as SGML or HTML in order to increase the utility of the computer program product by including various formats that is usable by a large number of devices used by different users.

As to claims 15, & 17, neither Motoyama nor Hanaway discloses wherein one of the plural communications formats includes extended makeup language (XML), and wherein one of the plural communications formats includes a CSV format

Guck discloses a server using an object database to transmit any type of format by use of any protocol, the server serves various protocols received by or transmitted from the server (col. 6, lines 43-54).

Guck discloses some examples of formats to used such as Microsoft word format or SGML or HTML or ASCII text (col. 6, lines 15-28).

Guck does not explicitly disclose extended makeup language (XML) or CSV formats.

However, such formats are conventional and well known formats and the use of these formats is obvious in order to increase the utility of computer program product by including various formats that is usable by a large number of devices used by different users.

(11) Response to Argument

Applicant's amendment filed 5/27/03 have been fully considered, but they are not persuasive for the following reasons:

Applicant alleges that " the office action attempts to overcome the admitted [,]" (page 5, line 13- page 6, line 6). The Examiner disagrees. Hanaway clearly discloses in (col. 3 lines 11-20 and 41-65) in that there is a "determination" or check (as claimed) (eg, see col. 3 (line 54)) to see if the first format failed and thus the message is communicated in the second format after conducting the check. In other words, Hanaway communicates the message using the first

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format, if that fails a determination or check procedure, then the message is communicated again using the second format. Thus the sequence would be (a) communicate the message using the first format, (b) check for failure, c) communicate the message using the second format. As can be seen, step b) is performed prior to step c).

For the above reasons, it is believed that the rejections should be sustained. Respectfully submitted,

Hieu Le

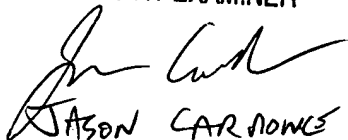
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4/13/04


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